

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY O'DELL SIMMS,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-15-764-D
)	
WARDEN BEAR,)	
)	
Respondent.)	

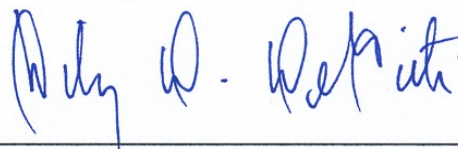
ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Charles B. Goodwin on July 30, 2015. Judge Goodwin recommends the denial of Petitioner's application for leave to proceed *in forma pauperis* (IFP) because Petitioner has sufficient funds to pay the \$5.00 filing fee for his Petition for Writ of Habeas Corpus. Within the time period for a written objection, Petitioner has paid the required \$5.00 fee. Accordingly, the Court finds that Petitioner's application to proceed IFP is moot.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is **ADOPTED**, and Petitioner's IFP application [Doc. No. 2] is **DENIED**.

IT IS FURTHER ORDERED that this matter is re-referred to Judge Goodwin for further proceedings consistent with the initial case referral.

IT IS SO ORDERED this 15th day of October, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE